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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,611	07/03/2001	Hak Soo Kim	CIT/K-149	9622

34610 7590 12/30/2005

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EXAMINER	
NGUYEN, KEVIN M	
ART UNIT	**PAPER NUMBER**
2674	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/897,611	KIM ET AL.	
	Examiner	Art Unit	
	Kevin M. Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,9-11,13,14,16 and 24-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,9-11,13,14,16 and 24-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed s 10/17/2005 have been fully considered but they are not persuasive.

2. Applicant argues with respect to claims 7, 10, 13 and 27 recite that the display panel is divided/configured into at least one pixel column block set, pixel row block set, N1xM1 pixel block set or pixel block set when the display data are uniformly maintained for a predetermined time (see remarks at page 4). In response, the Examiner respectfully disagrees because the element, e.g., "the display panel" would not divide/configure into the pixel block; therefore, the Examiner respectfully submitted this argument is not moot. Applicant argues that Jankowiak discloses the screensaver function will only be applied to that static portion defined by the two-dimensional detection window and not to dynamic (change) portion of the image (see remarks at page 3). Applicant argues with respect to claims 7, 10, 13, and 27 recite the screen mode data turn pixels within the pixels block set on or off or inverse the display data (see remarks at page 5). In response, the Examiner respectfully disagrees. As stated *infra* with respect to claims 7, 10, 13 and 27, the Examiner alleges that Jankowiak discloses different choices to set up screen save modes for the dynamic image, in col. 9, lines 8-15 as following:

> "It is important to note that the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface (GUI) 120 of FIG. 7. This can be a very important feature, particularly where the image being displayed has both static (unchanging) and dynamic (changing) portions.

Such is the case in FIG. 5 in which an image has both a logo portion that does not change and a moving portion."

Accordingly, the plurality of pixels make up the image/picture, e.g., the logo portion corresponds to the pixels, each pixel column block set, pixel row block set, N1xM1 pixel block set or pixel block set, as recited in claims 7, 10, 13 and 27.

Furthermore, from the Drawing as a Reference, e.g. Figs. 3-5 of Jankowiak, "Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification". See *In re Mraz*, 173 USPQ 25 (CCPA 1972). "A claimed invention may be anticipated or rendered obvious by a drawing in a reference, whether the drawing disclosure by accidental or intentional. However, a drawing is only available as a reference for what it would teach one skilled in the art who did not have the benefit of applicant's disclosure". See *In re Meng*, 181 USPQ 94, 97 (CCPA 1974). "Absent of any written description in the reference specification of quantitative values, arguments based on measurement of a drawing are of little value in proving anticipation of a particular length". See *In re Wright*, 193 USPQ 332, 335 (CCPA 1977). Thus, Jankowiak discloses at least one choice of screensaver modes will be applied to that dynamic portion defined by the two-dimensional detection window/logo portion and to dynamic (change) portion of the image; and the user can easily adjust the size and position of the detection window by means of the user-friendly graphical user interface (GUI) 120 to configure/divide into at least one pixel column block set, pixel row block set, N1xM1 pixel block set or pixel block set when the display data is currently displayed on the screen corresponding to the display data are uniformly maintained for

a predetermined time, and the combination of Fig. 3 and Fig. 4 expressly shows the turns pixels within the pixel column block set on or off or inverts the display data, as recited in claims 7, 10, 13 and 27.

3. In response to applicant's argument that "each pixel column block set, pixel row block set, N1xM1 pixel block set or pixel block set", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

4. Applicant argues that Jankowiak teaches that the screen saver function involves reducing the video gain and the contrast of the image displayed on the screen (see remarks at page 4). In response, it is respectfully submitted that Jankowiak discloses another choice of screensaver modes. Applicant's argument is not related to the claimed invention; therefore, this argument is not moot. In response to applicant's argument that Jankowiak teaches that the screen saver function involves reducing the video gain and the contrast of the image displayed on the screen (see remarks at page 4), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

5. Applicant argues Jankowiak and Reilly fail to establish a prima facie case of obviousness (see remarks at page 6). In response, Examiner disagrees because a

prima facie case of obvious is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. See *In re Fielder*, 471 F.2d 640, 176 USPQ 300 (CCPA 1973). See *In re Palmer*, 172 USPQ 126 (CCPA 1971). See *In re Reven*, 156 USPQ 679 (CCPA 1968).

6. In response to applicant's arguments (see remarks at page 7) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Applicant argues with respect to claim 1 recites at least one limitation "dividing the display panel into at least two pixels block," (see remarks at page 6). In response, the Examiner respectfully disagrees because the element, e.g., "the display panel" would not divide into two-pixel block. Therefore, for at least one reason set forth above, the Examiner respectfully submitted this argument is not moot.

For these reasons, the rejection based on Jankowiak has been maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KMN
December 15, 2005

PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER